



Office of the State's Attorney

Madison County, Illinois

Thomas A. Haine

State's Attorney

Protocol for Requests for Resentencing Pursuant to 725 ILCS 5/122-9

Effective May 22, 2023 until rescinded or amended.

Motion to Resentence by the People (725 ILCS 5/122-9)

In accordance with 725 ICLS 5/122-9 Madison County State's Attorney Thomas A. Haine sets forth the Madison County State's Attorney's Office Protocol for Requests for Resentencing which seeks to ensure that the purposes of sentencing are achieved while safeguarding public safety and honoring the principles of justice.

The following is the criteria that the Madison County State's Attorney's Office will follow in assessing which cases will be reviewed. This criteria will be periodically reviewed and may be modified in the future, if warranted.

Qualifications:

- a. Convicted persons/defendants, age 21 or **over** at the time of the offense who have served at least 50% of their term of imprisonment can apply to have their case reviewed. **
- b. Convicted persons/defendants, **under** the age of 21 at the time of the offense who have served at least 50 % of their term of imprisonment, or 10 years can apply to have their case reviewed.**

Process:

- a. First, the **initial** application found on the Madison County State's Attorney website, under SB 2129: Resentencing must be received by the Madison County State's Attorney's Office.
- b. Second, the completed application can be emailed or mailed to the Madison County State's Attorney's Office at the below address.
- c. Once a review of the **initial** application is complete, the Madison County State's Attorney's Office Resentencing Unit will determine if the application meets the initial qualification requirements and moves to next stage.
- d. If the initial qualification requirements are met, the Unit will notify the convicted person/defendant and/or their representative regarding their status. It is at that point that you will be asked to provide **all mitigating and supporting documentation** that will help the Resentencing Unit assess the convicted person/defendant's request that a petition for resentencing be filed on their behalf.
- e. Prior to approving a request, any victims will be notified and consulted.
- f. Once the Resentencing Unit makes a decision, the convicted person/defendant will be notified of the decision.
- g. Possible Decisions Include:
 - a. Filing of a Petition to Resentence on the convicted person/defendant's behalf,
or:
 - b. Denial of Application
 - c. The decision is final and not appealable by the convicted person. If applicable, a convicted person may reapply and restart the process at a later date if they either meet the initial qualifications set forth above and/or new mitigating and supporting information is available.
- h. If the SAO decides to file a petition the Court **may** resentence the defendant in the same manner as if the defendant had not previously been sentenced.

Submission of initial application and/or mitigation and supporting documentation (once asked to send in) should be emailed or mailed to:

SAInfo@madisoncountyil.gov
Madison County State's Attorney's Office
Resentencing Unit
157 N. Main Street, Ste. 402
Edwardsville, IL 62025

FACTORS that will be Considered by the Madison County State's Attorney's Office in its' Evaluation of which cases qualify and warrant a Petition for Resentencing and which offenders are less likely to reoffend:

- a. Inmate's complete disciplinary record.
- b. Record of post-conviction rehabilitation (records of rehabilitation while incarcerated).
- c. Any information and documentation that addresses factors that reflect future risk of re- offending, such as:
 - a. age
 - b. time served
 - c. health concerns and/or diminished physical condition
 - d. education efforts and accomplishments
 - e. gang affiliations
 - f. job skills and/or training
 - g. family and/or community support
- d. The case analysis will also take into account any cooperation agreements, minimum sentences imposed or other relevant information.
- e. Defendant's acceptance of responsibility.
- f. Victim's input.

DISQUALIFIERS: persons convicted of any of the following are disqualified and **not** eligible to apply for resentencing:

1. Sex crime; or
2. Homicide/Murder (except by accountability); or
3. Attempt Murder (except by accountability); or
4. Crime where a mandatory life sentence was imposed.
5. Conviction from offense involving personally discharging a firearm

THE MADISON COUNTY STATE'S ATTORNEY'S OFFICE RETAINS FULL DISCRETION IN DECIDING WHICH CASES WILL HAVE A RESENTENCING MOTION FILED ON THEIR BEHALF